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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/555,951	EVANS ET AL.
	Examiner	Art Unit
	Gerald Gauthier	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 December 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 38 and 43** are rejected under 35 U.S.C. 102(b) as being anticipated by Blair (US 4,964,156).

Regarding **claim 38**, Blair discloses a cellular telephone unit capable of automatic interaction with audio services (column 1, lines 10-15), (which reads on claimed "a method of providing a mailbox answerphone service (column 1, line 14 "voice mailbox systems") to a caller in a mobile communications system (column 1, line 11 "cellular telephone systems"), wherein the answerphone service identifies a mailbox associated with a subscriber by way of an identification code"), the method comprising:

receiving a call (column 5, line 55 "a call") from a mobile handset (10 on FIG. 1), the call being directed to a directory number (column 5, lines 57-58 "the telephone number") used commonly by different subscribers to access their mailboxes (column 5, lines 54-63) [The logic circuitry of the mobile unit retrieves the telephone number of the voice mailbox system to be dialed];

allowing the caller to input a selection indicator (column 6, line 1 "DTMF transmission of a number") during the call (column 6, lines 1-9) [The logic circuitry makes a DTMF transmission of a number corresponding to the password]; and

(a) if the indicator is not received, detecting a first identification code (column 7, line 13 "a first pause command") associated with the mobile handset from information received during call establishment (column 7, line 22 "800-555-1212") and providing a message retrieve service (310 on FIG. 3) to allow the caller to retrieve messages from the mailbox associated with the first identification code (column 7, lines 12-42) [The first identification to identify the desired mailbox to retrieve the messages is transmitted by the logic circuitry].

(b) if the indicator is received, allowing the user to input a second identification code (column 8, line 11 "additional password") and providing a message retrieve service (310 on FIG. 3) to allow the caller to retrieve messages from the mailbox associated with the second identification code (column 8, lines 11-38) [The user enters a key stroke sequence for a second password in other to retrieve the messages].

Regarding **claim 43**, Blair discloses a cellular telephone unit capable of automatic interaction with audio services (column 1, lines 10-15), (which reads on claimed "an apparatus for use in a mobile communications system"),

the apparatus being adapted to store messages (310 on FIG. 3) for subsequent retrieval by a subscriber (column 7, line 38 "a user") of the mobile communications system (12 on FIG. 3)

wherein the apparatus is adapted to identify a first subscriber (10 on FIG. 1) making a call (column 5, line 55 "a call") to retrieve a message by means of an identification signal (column 7, line 13 "a first pause command") automatically forwarded to the apparatus during call establishment (column 7, line 13 "in a dialing sequence"), the signal identifying the equipment being used by the subscriber (column 7, lines 12-42) [The first identification to identify the desired mailbox to retrieve the messages is transmitted by the logic circuitry],

and wherein the apparatus is further adapted to identify a second subscriber (column 7, line 60 "the caller's access authority"), on receipt of a request (column 7, line 57 "gain access") from the second subscriber during the call, by way of other information (column 7, line 62 "additional password") supplied by the second subscriber during the call (column 7, lines 55-62) [The user can access the voice-mailbox system using a second password to retrieve his messages].

3. **Claim 44** is rejected under 35 U.S.C. 102(b) as being anticipated by Makino (US 4,682,351).

Regarding **claim 44**, Makino discloses a cordless telephone system (column 1, lines 5-9), (which reads on claimed "an apparatus for use in a mobile communications system"),

the mobile communications system being arranged to establish a communications link (column 3, line 10 "off-hook") with the apparatus in response to a call (column 3, line 11 "a call origination signal") by a user (T1 on FIG. 1),

the apparatus being responsive during the call to receipt of a response selection indicator (column 8, lines 36-40),

a receipt of a number of identification codes (column 3, line 16 "ID code out") each being associated with a different mobile subscriber (T2 on FIG. 1), wherein the apparatus is arranged to select one of the mobile subscribers (column 3, line 11 "to

confirm the station") and/or to select one of a plurality of predetermined responses (column 3, line 28 "dial signal") if the response selection indicator is received, and otherwise to automatically provide a particular response (column 3, line 41 "the function") relating to one of the mobile subscribers (column 3, lines 10-44) [The mobile station upon the detection of off-hook signal transmits a call origination signal to the base station and depending of the ID codes a different function].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 23-27, 31-37 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Venturini (US 5,987,317) in view of Wilson et al. (US 5,838,772).

Regarding **claim 23**, Venturini discloses an automatic system message waiting indicator (column 1, lines 6-8), (which reads on claimed "a method of providing a mailbox answerphone service (column 4, line 50 "messages") to a caller (column 4, line 51 "users") in a mobile communications system (34a on FIG. 2) during a call (column 7, line 14 "PBX responds") directed to a directory number used commonly by different subscribers to access their mailboxes"), comprising:

providing an identification code (column 8, line 29 "the access code") identifying a mailbox (column 8, line 34 "mailbox") associated with a subscriber (column 8, line 46 "user") through an identification code (column 8, line 29 "the access code") through an answerphone service (column 8, lines 29-48) [The mobile terminal dials the access code with a request to retrieve the voice messages from the voice mailbox]; and

entering either a first mode of answerphone operation (column 8, line 52 "a MWI message") or a second, different, mode of answerphone operation (column 8, line 66 "networks") in dependence on information (column 8, line 60 "the NRI information") received during call establishment (column 8, lines 49-67) [In response to the mobile terminal NRI information a message may be provided from on of the networks].

Venturini fails to disclose the call is of international origin.

However, Wilson teaches the call is of international origin (column 8, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the call is of international origin of Wilson in the invention of Venturini.

The modification of the invention would offer the capability of the call is of international origin such as the equipment user would define their own service application.

Regarding **claim 24**, Venturini discloses in the first mode of operation, if the call is not diverted, providing a message retrieval service, and if the call is diverted, providing a message deposit service (column 7, lines 12-23).

Regarding **claim 25**, Venturini discloses determining whether the call is diverted using information received during call establishment (column 7, lines 24-35).

Regarding **claim 26**, Venturini discloses providing in the second mode of operation either a message deposit service or a message retrieve service in dependence of a receipt of a selection indicator from the caller during the call (column 7, lines 36-41).

Regarding **claim 27**, Venturini discloses in the second mode prompting the caller, after inputting the identification code during the call, for a voice message to be received and stored, and providing the message retrieve service if the indicator is received from the user (column 8, lines 29-48).

Regarding **claim 31**, Venturini and Wilson as applied to **claim 23** above differ from **claim 31** in that it fails to disclose an international origin indicator in signaling associated with the call.

However, Wilson discloses a method, further comprising identifying a call of international origin through an international origin indicator in signaling associated with the call (column 7, lines 44-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an international origin indicator in signaling associated with the call of Wilson in the invention.

Doing so would have the contact number on the international network.

Regarding **claim 32**, Venturini and Wilson as applied to **claim 23** above differ from **claim 32** in that it fails to disclose a calling line identity signal, and an international origin indicator.

However, Wilson discloses a method, further comprising: associating the call with a divert flag, a calling line identity signal, and an international origin indicator;

setting the divert flag if the call is diverted from a mobile station to the

apparatus and the mobile station is located within a coverage area of the mobile communications system (column 7, lines 51-56);

associating the CLI signal with the call if the call originates or is diverted from a mobile station within the coverage area and the mobile station is preset to transmit the CLI signal (column 8, lines 1-8); and

associating the international origin indicator with the call if the call originates or is diverted from a mobile station and the mobile station is used at a location causing the international origin indicator to be sent to the mobile communications system during call establishment (column 8, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a calling line identity signal, and an international origin indicator of Wilson in the invention.

Doing so would allow different audio information for each originating country.

Regarding **claim 33**, Venturini and Wilson as applied to **claim 32** above differ from **claim 33** in that it fails to disclose a voice message to be received and stored.

However, Wilson discloses a method, further comprising providing a message deposit service to the caller if the divert flag is set, and prompting in the message deposit service the caller for a voice message to be received and stored (column 7, lines 56-60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a voice message to be received and stored of Wilson in the invention.

Doing so would record the caller message for later access from the subscriber.

Regarding **claim 34**, Venturini and Wilson as applied to **claim 32** above differ from **claim 34** in that it fails to disclose the divert flag not set and the CLI associated with the call.

However, Wilson discloses a method, further comprising providing a message retrieve service to the caller if the divert flag is not set and the CLI is associated with the call, or the divert flag is not set, the CLI signal is not associated with the call, and identification code is received from the caller during the call, and in the retrieve service a stored voice message is retrieved and provided to the caller (column 8, lines 21-30).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the divert flag not set and the CLI associated with the call of Wilson in the invention.

Doing so would provide various modes of operations.

Regarding **claim 35**, Venturini discloses an automatic system message waiting indicator (column 1, lines 6-8), (which reads on claimed "a method of providing a mailbox answerphone service (column 4, line 50 "messages") to a caller (column 4, line 51 "users") in a mobile communications system (34a on FIG. 2) during a call (column 7, line 14 "PBX responds") directed to a directory number used commonly by different subscribers to access their mailboxes"), comprising:

identifying, through an answerphone service (column 8, line 30 "the network"), a mailbox (column 8, line 34 "mailbox") associated with a subscriber identification code (column 8, lines 29-48) [The mobile terminal dials the access code with a request to retrieve the voice messages from the voice mailbox]; and

automatically entering either a first mode of answerphone operation (column 8, line 52 "a MWI message") if the call is of national original (column 8, lines 60-61 "the network with which the mobile terminal is registered") or a second, different mode of answerphone operation (column 8, lines 49-67) [In response to the mobile terminal NRI information a message may be provided from on of the networks].

Venturini fails to disclose the call is of international origin.

However, Wilson teaches if the call is of international origin (column 8, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the call is of international origin of Wilson in the invention of Venturini.

The modification of the invention would offer the capability of the call is of international origin such as the equipment user would define their own service application.

Regarding **claim 36**, Venturini and Wilson as applied to **claim 35** above differ from **claim 36** in that it fails to disclose the origin of the call using information received during call establishment.

However, Wilson discloses a method, further comprising deriving the origin of the call using information received during call establishment (column 8, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the origin of the call using information received during call establishment of Wilson in the invention.

Doing so would pass the information to the equipment.

Regarding **claim 37**, Venturini and Wilson as applied to **claim 35** above differ from **claim 37** in that it fails to disclose the common directory number by all subscribers to access the answer phone service.

However, Wilson discloses a method; further comprising using the common directory number by all subscribers to access the answerphone service (column 7, lines 44-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the common directory number by all subscribers to access the answer phone service of Wilson in the invention.

Doing so would provide a personal number for a "follow me".

Regarding **claim 42**, Venturini discloses an automatic system message waiting indicator (column 1, lines 6-8), (which reads on claimed "a voice processing system for a mobile communications system"),

adapted to identify a mailbox (column 8, line 34 "mailbox") associated with a subscriber (column 8, line 46 "user") by way of an identification code (column 8, line 29 "the access code") processed through an answerphone service (column 8, lines 29-48) [The mobile terminal dials the access code with a request to retrieve the voice messages from the voice mailbox],

to enter either a first mode of answerphone operation (column 8, line 52 "a MWI message") or a second, different, mode of answerphone operation (column 8, line 66 "networks") in dependence on information (column 8, line 60 "the NRI information") received during call establishment (column 8, lines 49-67) [In response to the mobile terminal NRI information a message may be provided from on of the networks].

Venturini fails to disclose the call is of international origin.

However, Wilson teaches indicating whether the call is of international origin (column 8, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the call is of international origin of Wilson in the invention of Venturini.

The modification of the invention would offer the capability of the call is of international origin such as the equipment user would define their own service application.

7. **Claim 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Venturini in view of Wilson and in further view of Hulen et al. (US 5,497,373).

Regarding **claim 28**, Venturini and Wilson as applied to **claim 26** differ from **claim 28**, in that it fails to disclose the indicator comprises a DTMF tone.

However, Hulen teaches the indicator comprises a DTMF tone (column 7, lines 37-40).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the indicator comprises a DTMF tone of Hulen in the invention of Venturini.

The modification of the invention would offer the capability of the indicator comprises a DTMF tone such as the equipment user would define their own service application.

8. **Claims 29 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Venturini in view of Wilson and in further view of Kennedy, III et al. (US 5,539,810).

Regarding **claim 29**, Venturini and Wilson as applied to **claim 23** above differ from **claim 29** in that it fails to disclose prompting the caller for the identification code.

However, Kennedy discloses a method, further comprising prompting the caller for the identification code if the identification code is otherwise not associated with the call when received (column 11, lines 33-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use prompting the caller for the identification code of Kennedy in the invention of Venturini and Wilson.

Doing so would request an identification code.

Regarding **claim 30**, Venturini and Wilson as applied to **claim 23** above differ from **claim 29** in that it fails to disclose an identification code for a directory number of the subscriber.

However, Kennedy discloses a method, wherein the identification code corresponds to a directory number of the subscriber (column 11, lines 17-19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an identification code for a directory number of the subscriber of Kennedy in the invention of Venturini and Wilson.

Doing so would program special dial numbers.

9. **Claims 39 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair in view of Beyda et al. (US 5,889,839).

Regarding **claim 39**, Blair as applied to **claim 38** above differs from **claim 39** in that it fails to disclose a directory number of a different subscriber.

However, Beyda discloses a method; wherein each of the identification codes corresponds to a directory number of a different subscriber (column 3, lines 58-62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a directory number of a different subscriber of Beyda in the invention of Blair.

Doing so would call a special number.

Regarding **claim 40**, Blair as applied to **claim 38** above differs from **claim 40** in that it fails to disclose a security code associated with the mailbox being accessed.

However, Beyda discloses a method, further comprising prompting the caller for a security code associated with the mailbox being accessed (column 3, lines 58-62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a security code associated with the mailbox being accessed of Beyda in the invention of Blair.

Doing so would enter a code in the cellular telephone.

10. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over Blair in view of Hulen.

Regarding **claim 41**, Blair as applied to **claim 38** above differs from **claim 41** in that it fails to disclose an indicator including a DTMF tone code.

However, Hulen discloses a method, wherein the indicator comprises a DTMF tone code (column 7, lines 37-40).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an indicator including a DTMF tone code of Hulen in the invention of Blair.

Doing so would configure the multi-media interface to process the time slots.

Response to Arguments

11. Applicant's arguments with respect to **claims 23-44** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

g.g.
May 22, 2003

FAN TSANG
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